



STATE OF TENNESSEE  
DEPARTMENT OF HUMAN SERVICES

JAMES K. POLK BUILDING  
505 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1403

TELEPHONE: 615-313-4700 FAX: 615-741-4165  
TTY: 1-800-270-1349  
www.tn.gov/humanservices

BILL LEE  
GOVERNOR

DANIELLE W. BARNES  
COMMISSIONER

May 1, 2019

Michelle Cottrell, Executive Director  
Christ Trinity Christian Academy  
3655 Southwind Park Cove  
Memphis, Tennessee 38125-8503

Dear Ms. Cottrell,

The Department of Human Services (DHS) - Division of Audit Services staff conducted an unannounced on-site monitoring review of the Child and Adult Care Food Program (CACFP) at Christ Trinity Christian Academy (Sponsor), Application Agreement number 00208, on March 20, 2019. The purpose of this review was to determine if the Sponsor complied with *Title 7 of the Code of Federal Regulations* (CFR) applicable parts, provider agreement, and applicable Federal and State regulations.

Based on our review of the Sponsor's records and information provided, the Sponsor had four feeding sites operating during the review period. **Christ Trinity Christian Academy #0001** was selected as the sample. Applications were reviewed at **Christ Trinity Christian Academy #0004**, and monitoring documentation was reviewed for all four sites.

Background

CACFP Sponsors utilize meal count sheets to record the number of breakfast, lunch, supper, and supplement meals served. Meals served by participating Sponsors must meet the minimum guidelines set by the United States Department of Agriculture (USDA) and DHS to be eligible for reimbursement. The CACFP Sponsor reports the number of meals served through the DHS Tennessee Information Payment System (TIPS) for reimbursement.

We inspected meal count sheets for our test period and reconciled the meals claimed to the meals reported as served for each meal service. We also assessed compliance with civil rights requirements. In addition, we observed a lunch meal service on January 11, 2019, at **Christ Trinity Christian Academy #0001**.

Our review of the Sponsor's records for January 2019 disclosed the following:

1. **The Sponsor reported the number of participants in the free, reduced-price, and paid categories incorrectly**

## Condition

Based on our review of the Claim for Reimbursement for January 2019, we noted that the Sponsor reported 212 participants in the free category, zero participants in the reduced-price category, and zero participants in the paid category. However, based on our review of the records available, we noted that there were 208 participants in the free category, two participants in the reduced-price category and two participants in the paid category. The differences were based on the following:

### **Christ Trinity Christian Academy #0001**

There were two participants reported in the free category whose applications did not list the last four digits of the parent's Social Security number. These participants were reclassified to the paid category.

### **Christ Trinity Christian Academy #0004**

There were two participants reported in the free category, but according to the income listed on the applications, these participants should have been classified as reduced-price. These participants were reclassified to the reduced-price category.

## Criteria

*Title 7 of the Code of Federal Regulations, Section 226.17(b)(8)* states, in part, "Child care centers shall collect and maintain documentation of the enrollment of each child, including information used to determine eligibility for free and reduced price meals in accordance with §226.23(e)(1)..."

*Title 7 of the Code of Federal Regulations, Section 226.15(e)(2)* states, "All types of centers, except for emergency shelters and at-risk afterschool care centers, must maintain information used to determine eligibility for free or reduced-price meals in accordance with §226.23(e)(1). For child care centers, such documentation of enrollment must be updated annually, signed by a parent or legal guardian, and include information on each child's normal days and hours of care and the meals normally received while in care."

*Title 7 of the Code of Federal Regulations, Section 226.17(b)(8)* states, in part, "Child care centers shall collect and maintain documentation of the enrollment of each child, including information used to determine eligibility for free and reduced price meals in accordance with §226.23(e)(1)..."

## Recommendation

The Sponsor should maintain all information used to determine eligibility, and ensure each participant is classified and reported accurately based on categorical or income eligibility.

## **2. The Sponsor reported an incorrect number of meals from an observed meal service**

### Condition

On January 11, 2019, we conducted unannounced site visit at **Christ Trinity Christian Academy #0001** to observe a lunch meal service. We observed 29 lunch meals served during

the approved meal service. The Sponsor reported a total of 28 lunch meals served. The Sponsor underreported one lunch meal. (See exhibit)

#### Criteria

*Title 7 of the Code of Federal Regulations, Section 226.10(c)* states, "...In submitting a Claim for Reimbursement, each institution shall certify that the claim is correct and that records are available to support that claim...."

#### Recommendation

The Sponsor should ensure all claims for reimbursement are completed correctly and based on accurate supporting documents.

### **3. The Sponsor did not complete monitoring of its feeding sites as required**

#### Condition

The Sponsor did not meet all monitoring requirements. The following deficiencies were noted:

#### **Christ Trinity Christian Academy #0001**

The Sponsor provided documentation for an unannounced monitoring review dated August 30, 2018. The Sponsor did not conduct at least three monitoring visits with two being unannounced.

#### **Christ Trinity Christian Academy #0002**

The Sponsor provided documentation for a monitoring review dated August 28, 2018, which did not detail whether the review was announced or unannounced. Documentation for an unannounced monitoring review dated January 25, 2019, was also provided. The Sponsor did not conduct at least three monitoring visits with two being unannounced.

#### **Christ Trinity Christian Academy #0003**

The Sponsor provided documentation for an unannounced monitoring review dated August 29, 2018. The Sponsor did not conduct at least three monitoring visits with two being unannounced.

#### **Christ Trinity Christian Academy #0004**

The Sponsor provided documentation for an unannounced monitoring review dated August 31, 2018. The Sponsor did not conduct at least three monitoring visits with two being unannounced.

#### Criteria

*Title 7 of the Code of Federal Regulations, Section 226.16(d)(4)(iii)* states, "Frequency and type of required facility reviews. Sponsoring organizations must review each facility three times each year... In addition: (A) At least two of the three reviews must be unannounced; (B) At least one unannounced review must include observation of a meal service; (C) At least one review must

be made during each new facility's first four weeks of Program operations; and (D) Not more than six months may elapse between reviews.”

### **Recommendation**

The Sponsor should ensure all the required monitoring is completed in accordance with USDA regulations. Documentation should be available upon request.

#### **4. The Sponsor served a breakfast cereal that did not meet USDA meal component requirements**

##### Condition

Based on our review of the menus for breakfast meals provided by the Sponsor, the menus were not in accordance with the USDA meal pattern requirements.

##### **Christ Trinity Christian Academy #0001**

The breakfast meal menus for January 7, 2019, January 16, 2019, and January 25, 2019, listed Apple Jacks Cereal. The Sponsor provided a label for the Apple Jacks Cereal. This cereal contains 6 grams of sugar per 18 grams of dry cereal.

Due to the new CACFP meal pattern requirements and emphasis on providing technical assistance during the implementation process, there were no meals disallowed.

##### Criteria

*Title 7 of the Code of Federal Regulations, Section 226.20 (a)(4(B))(ii) states, “...Breakfast cereals must contain no more than 6 grams of sugar per dry ounce...”*

##### Recommendation

The Sponsor should ensure menus meet the meal patterns established by the USDA.

#### **5. The training provided to Sponsor staff did not meet the minimum requirements**

##### Condition

The Sponsor provided documentation of the annual training to staff; however, the documentation did not list the required topics. The Sponsor’s documentation listed menu planning and serving meat and meat alternatives at breakfast. The training, at a minimum, must include instruction on meal patterns, meal counts, claims submission and review procedures, recordkeeping requirements, and reimbursement system.

##### Criteria

*Title 7 of the Code of Federal Regulations, Section 226.16 (d)(3) states, “Additional mandatory training sessions for key staff from all sponsored child care and adult day care facilities not less frequently than annually. At a minimum, such training must include instruction, appropriate to the level of staff experience and duties, on the Program’s meal patterns, meal counts, claims submission and review procedures, recordkeeping*

requirements, and reimbursement system. Attendance by key staff, as defined by the State agency, is mandatory;”

### Recommendation

The Sponsor should ensure annual staff training covers the required topics as defined by the USDA.

### **Technical Assistance Provided**

The Sponsor was provided technical assistance regarding the allowable amount of sugar in breakfast cereal.

### **Disallowed Meals Cost**

Based on the review, we determined that the Sponsor’s noncompliance with the applicable Federal and State regulations that govern the CACFP resulted in a total disallowed cost of \$197.61.

### **Corrective Action**

The Sponsor must complete the following actions within 30 days from the date of this report:

- Log into the Tennessee Information Payment System (TIPS) and revise the claim submitted for January 2019, which contains the verified claim data from the enclosed exhibits. ***Please note that, if the claim is revised,*** TIPS will automatically deduct the overpayment from your next CACFP claim for reimbursement.
- If you are no longer participating in the CACFP program, remit a check payable to the Tennessee Department of Human Services in the amount noted in the report for recovery of the amounts disallowed in this report. Please return the attached billing notice with your check; and
- Prepare and submit a corrective action plan to address the deficiencies identified in this report. The corrective action plan template is attached. Please return the corrective action plan to:

[AuditServices.CAPS.DHS@tn.gov](mailto:AuditServices.CAPS.DHS@tn.gov)

If you have questions relative to the corrective action plan please contact:

Allette Vayda, Director of Operations  
Child and Adult Care Food Program  
James K. Polk Building, 15<sup>th</sup> Floor  
505 Deaderick Street  
Nashville, Tennessee 37243  
[Allette.Vayda@tn.gov](mailto:Allette.Vayda@tn.gov)  
(615) 313-3769

Please note that the amount of disallowed cost is subject to an interest charge. The interest charge will be waived if your revised claim is completed within 30 days from the date of this

report. If the revised claim is not completed by the 30-day deadline, an interest charge may be billed to your institution. Please mail your check and the billing notice to:

Child and Adult Care Food Program  
Fiscal Services  
James K. Polk Building, 16<sup>th</sup> Floor  
505 Deaderick Street  
Nashville, Tennessee 37243

In accordance with the federal regulation found at *7 CFR Part 226.6 (k)*, your institution may appeal the amount of disallowed cost identified in this monitoring report. The procedures for submitting an appeal are enclosed. The appeal must be submitted to:

Tennessee Department of Human Services  
Appeals and Hearings Division, Clerk's Office  
P.O. Box 198996  
Nashville, TN 37219

If the Institution decides to appeal the amount of disallowed administrative and meal cost, all appeal procedures must be followed as failure to do so may result in the denial of your request for an appeal.

We appreciate the assistance provided during this review. If you have any questions regarding this report, please contact Sean Baker, Audit Director 2, at 615-313-4727 or [Sean.Baker@tn.gov](mailto:Sean.Baker@tn.gov).

Sincerely,



Sam O. Alzoubi, CFE  
Director of Audit Services

Exhibit

cc: Elliot Cottrell, CFO, Christ Trinity Christian Academy  
Keshawna Mack, Executive Assistant, Christ Trinity Christian Academy  
Allette Vayda, Director of Operations, Child and Adult Care Food Program  
Debra Pasta, Program Manager, Child and Adult Care Food Program  
Elke Moore, Administrative Services Assistant 3, Child and Adult Care Food Program  
Constance Moore, Program Specialist, Child, and Adult Care Food Program  
Marty Widner, Program Specialist, Child, and Adult Care Food Program  
Comptroller of the Treasury, State of Tennessee

**EXHIBIT A**

**Sponsor of Affiliated Centers Program Data**

**Name of Agency: Christ Trinity Christian Academy**

**Review Month/Year: January 2019**

**Total Meal Reimbursement Received: \$20,015.99**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Days of CACFP Food Service	18	18
Total Attendance	3,345	3,345
Number of Breakfasts Served	3,052	3,052
Number of Lunches Served	3,274	3,275
Number of Supplements Served	3,238	3,238
Number of Participants in Free Category	212	208
Number of Participants in Reduced-Price Category	0	2
Number of Participants in Paid Category	0	2
Total Number of Participants	212	212
Total Amount of Eligible Food Costs	XXXXX	\$8,211.15
Total Amount of Eligible Food and Non-Food Costs	XXXXX	\$14,493.78

**EXHIBIT B:**

**Verification of Affiliated Sponsored Center Data**

**Center: Christ Trinity Christian Academy #0001**

**Review Month/Year: January 2019**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Days of CACFP Food Service	18	18
Total Attendance	501	501
Number of Breakfasts Served	383	383
Number of Lunches Served	477	478
Number of PM Supplements Served	470	470
Number of Participants in Free Category	32	30
Number of Participants in Reduced-Price Category	0	0
Number of Participants in Paid Category	0	2
Total Number of Participants	32	32

**EXHIBIT C**

**Verification of Affiliated Sponsored Center Data**

**Center: Christ Trinity Christian Academy #0004**  
**(Additional applications viewed to meet valid statistical sample)**  
**Review Month/Year: January 2019**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Days of CACFP Food Service	NA	NA
Total Attendance	NA	NA
Number of Breakfasts Served	NA	NA
Number of Lunches Served	NA	NA
Number of PM Supplements Served	NA	NA
Number of Participants in Free Category	112	110
Number of Participants in Reduced-Price Category	0	2
Number of Participants in Paid Category	0	0
Total Number of Participants	112	112



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COMMISSIONER

May 1, 2019

Michelle Cottrell, Executive Director  
Christ Trinity Christian Academy  
3655 Southwind Park Cove  
Memphis, Tennessee 38125-8503

**Notice of payment due to findings disclosed in the monitoring report for Child and Adult Care Food Program (CACFP)**

Institution Name:	Christ Trinity Christian Academy
Institution Address:	3655 Southwind Park Cove Memphis, Tennessee 38125-8503
Agreement Numbers:	00208
Amount Due:	\$197.16
Due Date:	June 3, 2019

Based on the monitoring report issued, by Division of Audit Services within the Tennessee Department of Human Services, the Community and Social Services- Food Programs- CACFP & SFSP management has agreed with the findings which require your institution to reimburse the Department of Human Services the disallowed cost noted in the report

Please remit a check or money order payable to the *Tennessee Department of Human Services* in the amount noted above by the due date to:

**Fiscal Services  
James K. Polk Building, 16<sup>th</sup> Floor  
505 Deaderick Street  
Nashville, Tennessee 37243  
Tennessee Department of Human Services**

Please note that the disallowed meal cost/overpayment of the CACFP is subject to an interest charge. The interest charge will be waived if the payment is received by the due date. If payment is not received by the end of 5th day of the due date, an interest charge may be added to the original amount due and will be billed to your entity.

If you have any questions regarding this notice, please feel free to contact Allette Vayda, Director of Operations at (615) 313-3769 or [Allette.Vayda@tn.gov](mailto:Allette.Vayda@tn.gov).

Thank you for your attention



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May 1, 2019

Michelle Cottrell, Executive Director  
Christ Trinity Christian Academy  
3655 Southwind Park Cove  
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Background

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We inspected meal count sheets for our test period and reconciled the meals claimed to the meals reported as served for each meal service. We also assessed compliance with civil rights requirements. In addition, we observed a lunch meal service on January 11, 2019, at **Christ Trinity Christian Academy #0001**.

Our review of the Sponsor's records for January 2019 disclosed the following:

- 1. The Sponsor reported the number of participants in the free, reduced-price, and paid categories incorrectly**

## Condition

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## Criteria

*Title 7 of the Code of Federal Regulations, Section 226.17(b)(8)* states, in part, "Child care centers shall collect and maintain documentation of the enrollment of each child, including information used to determine eligibility for free and reduced price meals in accordance with §226.23(e)(1)..."

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## Recommendation

The Sponsor should maintain all information used to determine eligibility, and ensure each participant is classified and reported accurately based on categorical or income eligibility.

### **2. The Sponsor reported an incorrect number of meals from an observed meal service**

## Condition

On January 11, 2019, we conducted unannounced site visit at **Christ Trinity Christian Academy #0001** to observe a lunch meal service. We observed 29 lunch meals served during

the approved meal service. The Sponsor reported a total of 28 lunch meals served. The Sponsor underreported one lunch meal. (See exhibit)

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#### Recommendation

The Sponsor should ensure all claims for reimbursement are completed correctly and based on accurate supporting documents.

### **3. The Sponsor did not complete monitoring of its feeding sites as required**

#### Condition

The Sponsor did not meet all monitoring requirements. The following deficiencies were noted:

#### **Christ Trinity Christian Academy #0001**

The Sponsor provided documentation for an unannounced monitoring review dated August 30, 2018. The Sponsor did not conduct at least three monitoring visits with two being unannounced.

#### **Christ Trinity Christian Academy #0002**

The Sponsor provided documentation for a monitoring review dated August 28, 2018, which did not detail whether the review was announced or unannounced. Documentation for an unannounced monitoring review dated January 25, 2019, was also provided. The Sponsor did not conduct at least three monitoring visits with two being unannounced.

#### **Christ Trinity Christian Academy #0003**

The Sponsor provided documentation for an unannounced monitoring review dated August 29, 2018. The Sponsor did not conduct at least three monitoring visits with two being unannounced.

#### **Christ Trinity Christian Academy #0004**

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be made during each new facility's first four weeks of Program operations; and (D) Not more than six months may elapse between reviews.”

### **Recommendation**

The Sponsor should ensure all the required monitoring is completed in accordance with USDA regulations. Documentation should be available upon request.

#### **4. The Sponsor served a breakfast cereal that did not meet USDA meal component requirements**

##### Condition

Based on our review of the menus for breakfast meals provided by the Sponsor, the menus were not in accordance with the USDA meal pattern requirements.

##### **Christ Trinity Christian Academy #0001**

The breakfast meal menus for January 7, 2019, January 16, 2019, and January 25, 2019, listed Apple Jacks Cereal. The Sponsor provided a label for the Apple Jacks Cereal. This cereal contains 6 grams of sugar per 18 grams of dry cereal.

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##### Criteria

*Title 7 of the Code of Federal Regulations, Section 226.20 (a)(4(B))(ii)* states, “...Breakfast cereals must contain no more than 6 grams of sugar per dry ounce...”

##### Recommendation

The Sponsor should ensure menus meet the meal patterns established by the USDA.

#### **5. The training provided to Sponsor staff did not meet the minimum requirements**

##### Condition

The Sponsor provided documentation of the annual training to staff; however, the documentation did not list the required topics. The Sponsor’s documentation listed menu planning and serving meat and meat alternatives at breakfast. The training, at a minimum, must include instruction on meal patterns, meal counts, claims submission and review procedures, recordkeeping requirements, and reimbursement system.

##### Criteria

*Title 7 of the Code of Federal Regulations, Section 226.16 (d)(3)* states, “Additional mandatory training sessions for key staff from all sponsored child care and adult day care facilities not less frequently than annually. At a minimum, such training must include instruction, appropriate to the level of staff experience and duties, on the Program's meal patterns, meal counts, claims submission and review procedures, recordkeeping

requirements, and reimbursement system. Attendance by key staff, as defined by the State agency, is mandatory;”

### Recommendation

The Sponsor should ensure annual staff training covers the required topics as defined by the USDA.

### **Technical Assistance Provided**

The Sponsor was provided technical assistance regarding the allowable amount of sugar in breakfast cereal.

### **Disallowed Meals Cost**

Based on the review, we determined that the Sponsor’s noncompliance with the applicable Federal and State regulations that govern the CACFP resulted in a total disallowed cost of \$197.61.

### **Corrective Action**

The Sponsor must complete the following actions within 30 days from the date of this report:

- Log into the Tennessee Information Payment System (TIPS) and revise the claim submitted for January 2019, which contains the verified claim data from the enclosed exhibits. ***Please note that, if the claim is revised,*** TIPS will automatically deduct the overpayment from your next CACFP claim for reimbursement.
- If you are no longer participating in the CACFP program, remit a check payable to the Tennessee Department of Human Services in the amount noted in the report for recovery of the amounts disallowed in this report. Please return the attached billing notice with your check; and
- Prepare and submit a corrective action plan to address the deficiencies identified in this report. The corrective action plan template is attached. Please return the corrective action plan to:

[AuditServices.CAPS.DHS@tn.gov](mailto:AuditServices.CAPS.DHS@tn.gov)

If you have questions relative to the corrective action plan please contact:

Allette Vayda, Director of Operations  
Child and Adult Care Food Program  
James K. Polk Building, 15<sup>th</sup> Floor  
505 Deaderick Street  
Nashville, Tennessee 37243  
[Allette.Vayda@tn.gov](mailto:Allette.Vayda@tn.gov)  
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report. If the revised claim is not completed by the 30-day deadline, an interest charge may be billed to your institution. Please mail your check and the billing notice to:

Child and Adult Care Food Program  
Fiscal Services  
James K. Polk Building, 16<sup>th</sup> Floor  
505 Deaderick Street  
Nashville, Tennessee 37243

In accordance with the federal regulation found at *7 CFR Part 226.6 (k)*, your institution may appeal the amount of disallowed cost identified in this monitoring report. The procedures for submitting an appeal are enclosed. The appeal must be submitted to:

Tennessee Department of Human Services  
Appeals and Hearings Division, Clerk's Office  
P.O. Box 198996  
Nashville, TN 37219

If the Institution decides to appeal the amount of disallowed administrative and meal cost, all appeal procedures must be followed as failure to do so may result in the denial of your request for an appeal.

We appreciate the assistance provided during this review. If you have any questions regarding this report, please contact Sean Baker, Audit Director 2, at 615-313-4727 or [Sean.Baker@tn.gov](mailto:Sean.Baker@tn.gov).

Sincerely,

Sam O. Alzoubi, CFE  
Director of Audit Services

Exhibit

cc: Elliot Cottrell, CFO, Christ Trinity Christian Academy  
Keshawna Mack, Executive Assistant, Christ Trinity Christian Academy  
Allette Vayda, Director of Operations, Child and Adult Care Food Program  
Debra Pasta, Program Manager, Child and Adult Care Food Program  
Elke Moore, Administrative Services Assistant 3, Child and Adult Care Food Program  
Constance Moore, Program Specialist, Child, and Adult Care Food Program  
Marty Widner, Program Specialist, Child, and Adult Care Food Program  
Comptroller of the Treasury, State of Tennessee

**EXHIBIT A**

**Sponsor of Affiliated Centers Program Data**

**Name of Agency: Christ Trinity Christian Academy**

**Review Month/Year: January 2019**

**Total Meal Reimbursement Received: \$20,015.99**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Days of CACFP Food Service	18	18
Total Attendance	3,345	3,345
Number of Breakfasts Served	3,052	3,052
Number of Lunches Served	3,274	3,275
Number of Supplements Served	3,238	3,238
Number of Participants in Free Category	212	208
Number of Participants in Reduced-Price Category	0	2
Number of Participants in Paid Category	0	2
Total Number of Participants	212	212
Total Amount of Eligible Food Costs	XXXXX	\$8,211.15
Total Amount of Eligible Food and Non-Food Costs	XXXXX	\$14,493.78

**EXHIBIT B:**

**Verification of Affiliated Sponsored Center Data**

**Center: Christ Trinity Christian Academy #0001**

**Review Month/Year: January 2019**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Days of CACFP Food Service	18	18
Total Attendance	501	501
Number of Breakfasts Served	383	383
Number of Lunches Served	477	478
Number of PM Supplements Served	470	470
Number of Participants in Free Category	32	30
Number of Participants in Reduced-Price Category	0	0
Number of Participants in Paid Category	0	2
Total Number of Participants	32	32

**EXHIBIT C**

**Verification of Affiliated Sponsored Center Data**

**Center: Christ Trinity Christian Academy #0004**  
**(Additional applications viewed to meet valid statistical sample)**  
**Review Month/Year: January 2019**

<b>Site Meal Service Reconciliation and Monitor Activity</b>	<b>Reported on Claim</b>	<b>Reconciled to Documentation</b>
Total Days of CACFP Food Service	NA	NA
Total Attendance	NA	NA
Number of Breakfasts Served	NA	NA
Number of Lunches Served	NA	NA
Number of PM Supplements Served	NA	NA
Number of Participants in Free Category	112	110
Number of Participants in Reduced-Price Category	0	2
Number of Participants in Paid Category	0	0
Total Number of Participants	112	112



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GOVERNOR

**DANIELLE W. BARNES**  
COMMISSIONER

May 1, 2019

Michelle Cottrell, Executive Director  
Christ Trinity Christian Academy  
3655 Southwind Park Cove  
Memphis, Tennessee 38125-8503

**Notice of payment due to findings disclosed in the monitoring report for Child and Adult Care Food Program (CACFP)**

Institution Name:	Christ Trinity Christian Academy
Institution Address:	3655 Southwind Park Cove Memphis, Tennessee 38125-8503
Agreement Numbers:	00208
Amount Due:	\$197.16
Due Date:	June 3, 2019

Based on the monitoring report issued, by Division of Audit Services within the Tennessee Department of Human Services, the Community and Social Services- Food Programs- CACFP & SFSP management has agreed with the findings which require your institution to reimburse the Department of Human Services the disallowed cost noted in the report

Please remit a check or money order payable to the *Tennessee Department of Human Services* in the amount noted above by the due date to:

**Fiscal Services  
James K. Polk Building, 16<sup>th</sup> Floor  
505 Deaderick Street  
Nashville, Tennessee 37243  
Tennessee Department of Human Services**

Please note that the disallowed meal cost/overpayment of the CACFP is subject to an interest charge. The interest charge will be waived if the payment is received by the due date. If payment is not received by the end of 5th day of the due date, an interest charge may be added to the original amount due and will be billed to your entity.

If you have any questions regarding this notice, please feel free to contact Allette Vayda, Director of Operations at (615) 313-3769 or [Allette.Vayda@tn.gov](mailto:Allette.Vayda@tn.gov).

Thank you for your attention

## APPEAL PROCEDURES FOR CHILD AND ADULT CARE INSTITUTIONS AND SPONSORING AGENCIES

### Appeal Procedures

1. Pursuant to 7 CFR §226.6(k)(4), the TN Department of Human Services (TDHS) must provide administrative review procedures to institutions and responsible principals and responsible individuals as follows:

- (a) Annually to all institutions;
- (b) To an institution and to each responsible principal and responsible individual when the State agency takes any action subject to an administrative review as described in 7 CFR §226.6(k)(2); and
- (c) Any other time upon request.

2. Pursuant to 7 CFR 226.6(k)(3) and (k)(9), some administrative actions are not subject to administrative review. Those actions are listed in paragraph 2.(a). Other administrative actions may be administratively appealed. Those actions are listed in paragraph 2.(b) and (c). All institutions and sponsoring agencies may appeal any adverse administrative action listed in paragraph 2.(b) which are taken by the TDHS by requesting a fair hearing to appear in person to refute the action, or by requesting a review of written information in lieu of a fair hearing.

(a) Pursuant to 7 CFR Part 226.6 (k)(3) TDHS is prohibited from offering administrative reviews of the following actions:

- (i) FNS decisions on claim deadline exceptions and requests for upward adjustments to a claim.
- (ii) Determination of serious deficiency.
- (iii) State agency determination that corrective action is inadequate.
- (iv) Disqualification and placement on State agency list and National disqualified list.
- (v) Termination.
- (vi) State agency or FNS decision regarding removal from the National disqualified list.
- (vii) State agency's refusal to consider an application submitted by an institution or facility on the National disqualified list.

(b) Pursuant to 7 CFR Part 226.6(k)(9), an abbreviated appeal process is available for the following actions. TDHS must limit the administrative review to a review of written submissions by the TDHS and institutions or sponsoring agencies concerning the accuracy of the State agency's determination if the application was denied, or the State agency proposes to terminate the institution's agreement because:

- (viii) The information submitted on the application was false;
- (ix) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities is on the national disqualified list;
- (x) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities is ineligible to participate in any other publicly funded program by reason of violation of the requirements of the program;

- (xi) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities has been convicted for any activity that indicates a lack of business integrity;

(c) Administrative review is also available if the State agency notifies the institution and responsible principal or responsible individual of the following actions: proposed disqualification of a responsible principal or responsible individual, denial of a budget, denial of a line item within a budget, downward adjustment of the amount approved in a budget, suspension of an institution's participation, denial of start-up or expansion funds, denial of a request for advanced payment, recovery of an advance in excess of a claim, denial of a claim for reimbursement (except for late submission), decision not to forward an exception request for payment of a late claim, overpayment demand, denial of a new or renewing institution's application for participation, denial of sponsored facility application, notice of proposed termination, claim denial, claim deadline exceptions and requests for upward adjustments to a claim, or any other action affecting an institutions participation or claim for payment.

3. All appeal requests must be presented in writing to the TDHS Division of Appeals and Hearings not later than 15 calendar days after the date the institution or sponsoring agency receives the notice of adverse administrative action.

4. The date of an institution's or sponsoring agency's receipt of a notice of suspension and/or proposed termination and disqualification will be governed by the federal regulation at 7 CFR Part 226.2. The notice must specify the action being proposed or taken and the basis for the action, and is considered to be received by the institution or day care home when it is delivered, sent by facsimile, or sent by email. If the notice is undeliverable, it is considered to be received by the institution, responsible principal or responsible individual, or day care home five days after being sent to the addressee's last known mailing address, facsimile number, or email address.

5. The TDHS Division of Appeals and Hearings will acknowledge the receipt of the appeal request within 10 calendar days of the receipt of the institution's or sponsoring agency's request for review. The written request for review should state if a fair hearing is requested or if a review of written information in lieu of a fair hearing is requested. If the appeal request from the institution or sponsoring agency does not specifically request a hearing, a review of written information in lieu of a hearing will occur. If a fair hearing is requested and the institution or sponsoring agency's representative fails to appear, the right to a personal appearance is waived.

6. If an institution or sponsoring agency does not request a fair hearing or a review of written information in lieu of the hearing within 15 calendar days from the date the institution or sponsoring agency receives a Notice of Proposed Termination, the TDHS will issue a letter advising the institution or sponsoring agency that it is terminated from the CACFP effective on the 16<sup>th</sup> calendar day following the institution's or sponsoring agency's receipt of the notice, and that the responsible principals and individuals of the institution or sponsoring agency are disqualified from participation.

7. To be considered for a fair hearing or for a review of written information in lieu of a fair

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hearing, all written documents must be submitted to the TDHS Division of Appeals and Hearings not later than 30 days after receipt of the notice of adverse administrative action.

8. The action of the TDHS must remain in effect during the administrative review. The effect of this requirement on particular actions by TDHS is as follows:

(i) *Overpayment demand.* During the period of the administrative review, TDHS is prohibited from taking action to collect or offset the overpayment. However TDHS must assess interest beginning with the initial demand for remittance of the overpayment and continuing through the period of administrative review unless the administrative review official overturns the TDHS's action.

(ii) *Recovery of advances.* During the administrative review, TDHS must continue its efforts to recover advances in excess of the claim for reimbursement for the applicable period. The recovery may be through a demand for full repayment or an adjustment of subsequent payments.

(iii) *Program payments.* The availability of Program payments during an administrative review of the denial of a new institution's application, denial of a renewing institution's application, proposed termination of a participating institution's agreement, and suspension of an institution are addressed in paragraphs (c)(1)(iii)(D), (c)(2)(iii)(D), (c)(3)(iii)(D), (c)(5)(i)(D), and (c)(5)(ii)(E), respectively, of 7 CFR §226.6.

9. The institution or sponsoring agency must refute the charges contained in the notice during the fair hearing or in the written information that is provided in lieu of the hearing.

10. The institution and the responsible principals and responsible individuals may retain legal counsel, or may be represented by another person.

11. If a fair hearing is requested, the institution or sponsoring agency will be notified in writing of the time, date and place of the fair hearing at least 10 calendar days in advance.

12. Any information which supports an adverse administrative action taken by the TDHS shall be available to the institution or sponsoring agency for inspection from the date of the receipt of the request for a fair hearing or a review of written information in lieu of the hearing.

13. In accordance with 7 CFR Part 226.6 (k)(8), the TDHS Division of Appeals and Hearings must conduct the administrative review of the proposed disqualification of the responsible principals and responsible individuals as part of the administrative review of the application denial, proposed termination, and/or proposed disqualification of the institution with which the responsible principals or responsible individuals are associated. However, at the administrative review official's discretion, separate administrative reviews may be held if the institution does not request an administrative review or if either the institution or the responsible principal or responsible individual demonstrates that their interests conflict.

14. The procedures contained in the Uniform Administrative Procedures Act found at TCA 4-5-301 et seq. shall be followed in rendering a decision on all appeals. The decision of the hearing officer is the final administrative determination to be afforded to the institution or sponsoring agency, and shall be rendered in a timely manner not to exceed 60 calendar days from the date of the receipt of the request for a fair hearing.

15. The processing limits for administrative appeals MUST be met. In the event a continuance is requested by a party, one continuance may be granted at the Hearing Official's discretion. This

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continuance shall not be for a period longer than ten (10) calendar days unless there are exceptional circumstances. Exceptional circumstances must be detailed in the order of continuance and the order must contain a date certain for the hearing, to be set as soon as possible. A report of pending CACFP desk review and fair hearing requests will be generated and reviewed daily by the Clerk's Office and the Legal Director for Appeals and Hearings who will monitor the dates for timeliness. In the event a decision has not been rendered within forty-five (45) calendar days of the date of receipt of the request for fair hearing or desk review, the Legal Director for Appeals and Hearings or their back-up shall notify the hearing official to take appropriate action.

16. All requests for a fair hearing or for a review of written information in lieu of a hearing must be submitted to:

**Tennessee Department of Human Services  
Division of Appeals and Hearings  
PO Box 198996, Clerk's Office  
Nashville, TN 37219-8996  
Fax: (615) 248-7013 or (866) 355-6136  
E-mail: [AppealsClerksOffice.DHS@tn.gov](mailto:AppealsClerksOffice.DHS@tn.gov)**

17. If a termination action is upheld by the hearing officer, the TDHS will issue a letter to the institution or sponsoring agency and its responsible principals and individuals advising that the termination and disqualification are effective on the date of the ruling issued by the hearing officer. The agency maintains searchable records of all administrative reviews and their dispositions for a period of five (5) years.

18. As required by 7 CFR Part 226.6 (c)(7), each disqualified institution, sponsoring agency, principal and individual will be placed on the National Disqualified List maintained by the U.S. Department of Agriculture (USDA). Once included on the National Disqualified List, an institution, sponsoring agency, principal and individual shall remain on the list until such time as the USDA, in consultation with the TDHS, determines that the serious deficiencies that led to their placement on the list have been corrected, or until seven years have elapsed since they were disqualified from participation. However, if the institution, sponsoring agency, principal or individual has failed to repay debts owed under the program, they will remain on the list until the debt has been paid.